

1601



RESTRICTION ELECTION FACSIMILE TRANSMISSION

FAX RECEIVED

APR 05 2002

GROUP 1600

DATE: April 4, 2002

FROM/ATTORNEY: Ginger R. Dreger

FIRM: KNOBBE, MARTENS, OLSON & BEAR, LLP

PAGES, INCLUDING COVERSHEET: 3

PHONE NUMBER: (415) 217-8381

TO EXAMINER: JESSICA H. ROARK

ART UNIT: 1644

SERIAL NUMBER: 09/726,258

FAX/TELECOPIER NUMBER: (703) 308-4315

**PLEASE NOTE: THIS FACSIMILE NUMBER IS TO BE USED ONLY
FOR RESPONSES TO RESTRICTIONS.**

COMMENTS:

IF YOU HAVE NOT RECEIVED ALL THE PAGES OF THIS TRANSMISSION, PLEASE CONTACT THE ATTORNEY AT THE TELEPHONE NUMBER LISTED ABOVE.

IN COMPLIANCE WITH 37CFR 2.101, THE FILING DATE ACCORDED EACH OFFICIAL FAX TRANSMISSION WILL BE DETERMINED BY THE FAX MACHINE DATE STAMP FOUND ON THE LAST PAGE OF THE TRANSMISSION, UNLESS THAT DATE IS A SATURDAY, SUNDAY, OR FEDERAL HOLIDAY WITHIN THE DISTRICT OF COLUMBIA, IN WHICH CASE THE OFFICIAL DATE OF RECEIPT WILL BE THE NEXT BUSINESS DAY.

THE DOCUMENT(S) ACCOMPANYING THIS FACSIMILE TRANSMISSION CONTAIN(S) INFORMATION FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THIS INFORMATION IS FOR THE USE OF THE INDIVIDUAL OR FIRM NAMED ON THIS SHEET. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS INFORMATION IS STRICTLY PROHIBITED. THE DOCUMENT(S) SHOULD BE RETURNED TO THE PATENT AND TRADEMARK OFFICE IMMEDIATELY. IF THIS FACSIMILE IS RECEIVED IN ERROR, PLEASE NOTIFY THE ATTORNEY LISTED HEREON IMMEDIATELY.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

APR 05 2002

Applicant : Vanessa Hsei et al.
 Appl. No. : 09/726,258
 Filed : November 29, 2000
 For : ANTIBODY FRAGMENT-
 POLYMER CONJUGATES
 AND HUMANIZED ANTI-IL-8
 MONOCLONAL ANTIBODIES

) Group Art Unit 1644

)

) CERTIFICATE OF FAX TRANSMISSION

) I hereby certify that this correspondence and all
) marked attachments are being facsimile
) transmitted to the Patent and Trademark Office
) on the date shown below:

) April 4, 2002

) (Date)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

Ginger R. Drager, Reg. No. 33,055

Examiner : Roark, Jessica H.

RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT

United States Patent and Trademark Office
 P.O. Box 2327
 Arlington, VA 22202

Dear Sir:

This is in response to the Office Action mailed on March 20, 2002 (Paper No. 8) in connection with the above-identified patent application, setting a one month term. Before turning to the merits, it is noted that the Office Action was erroneously mailed to Genentech, Inc. the assignee of the application. The Examiner is respectfully requested to send all future communications to the address shown in the Associate Power of Attorney and Change of Address letter filed on January 9, 2002 and also shown below, to the attention of the undersigned attorney.

Claims 1-35 are pending in this application. Applicants were requested to elect a specific conjugate consisting of one or more specific antibody fragments attached to no more than a specific number of a specific polymer molecule, which has a specific apparent size. In addition, applicants were required to elect a specific species of PEG molecule or a specific average molecular weight. According to the Office Action, these conjugates and species are distinct because their structures, sizes and physico-chemical properties are different.

Appl. No. : 09/726,258
Filed : November 29, 2000

A conjugate consisting essentially of one of more Fab' fragments, attached to no more than about 10 nonproteinaceous polymer molecules, which has a size of at least about 500 kD and at least about 8 fold greater than the apparent size of at least one antibody fragment. In addition, applicants elect a single chain PEG molecule, with an average molecular weight of at least about 20 kD.

Claims 1-8, 10-21, and 24-35 are readable on the elected species.

Although no fees are believed to be due at this time, please charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 4, 2002

By: Ginger R. Dreger
Ginger R. Dreger
Registration No. 33,055
Attorney of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
(415) 954-4114